

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA**

Zannie J. Lotharp, #35081-057,
a/k/a Zannie Jay Lotharp,

Petitioner,

v.

Warden M. Joseph,

Respondent.

Case No. 4:24-cv-858-RMG

ORDER AND OPINION

This matter is before the Court on the Report and Recommendation (“R&R”) of the Magistrate Judge (Dkt. No. 6) recommending that the Court dismiss the instant action brought under 28 U.S.C. § 2241 for habeas relief.

Petitioner alleges he is in custody unlawfully in violation of the United Nations Declaration on the Rights of Indigenous Peoples. (Dkt. No. 1 at 1). Petitioner is serving a sentence out of the United States District Court for the Middle District of North Carolina. (*Id.* at 2). Petitioner contends he is contesting the “legality of the restraint on liberty and unlawful imprisonment.” (*Id.* at 2). Petitioner states this is the first time he is raising the issue and has not raised it to the BOP or to the § 2255 court. *See generally* (Dkt. No. 1). The Magistrate Judge notes that “[t]his is the third such frivolous § 2241 action filed by Petitioner.” (Dkt. No. 6 at 2) (citing *Lotharp v. Joseph*, No. 4:23-cv-4769-RMG; *Lotharp v. Joseph*, No. 4:24-cv-136- RMG).

After a careful review of the record and Petitioner’s petition, the Court adopts the R&R as the order of the Court and dismisses the petition without prejudice. As the R&R correctly notes, Petitioner advances a “sovereign citizen” theory—a theory which Federal courts have roundly rejected as frivolous. (Dkt. No. 6 at 2-3) (noting Petitioner alleges he is a “National but not a citizen of the United States and not subject to the jurisdiction thereof” and that he is not a “person”); (*Id.*

at 3) (“Petitioner’s argument that he is not a person and has a right to a nationality is legally frivolous and fails to state a cognizable claim under § 2241.”); *U.S. v. Brown*, 669 F.3d 10, 19, n. 12 (1st Cir. 2012) (Defendant’s “belief system appears most akin to the so-called sovereign citizen movement whose proponents believe they are not subject to federal or state statutes or proceedings, reject most forms of taxation as illegitimate, and place special significance in commercial law”, citing Wikipedia, http://en.wikipedia.org/wiki/Sovereign_citizen_movement); *United States v. Sloan*, 939 F.2d 499, 501 (7th Cir.1991) (“Basic to [Defendant’s] ‘freedom from income tax theory’ is his contention that he is not a citizen of the United States,” so he is not subject to the jurisdiction of the laws of the United States,” which proposition “is simply wrong.”); *United States v. Jagim*, 978 F.2d 1032, 1036 (8th Cir.1992) (Defendant claimed to be a citizen of the “Republic of Idaho” and not a U.S. citizen, and therefore outside the jurisdiction of the United States; however, the court found this argument to be “completely without merit” and “patently frivolous” and rejected it “without expending any more of this Court’s resources on discussion.”).

Accordingly, the Court **ADOPTS** the R&R (Dkt. No. 6) as the order of the Court and **DISMISSES** Petitioner’s petition **WITHOUT PREJUDICE**.

AND IT IS SO ORDERED.

s/ Richard Mark Gergel
United States District Judge

March 15, 2024
Charleston, South Carolina